

Message Text

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ACTION L-03

INFO OCT-01 EA-11 IO-14 ISO-00 AF-10 ARA-16 EUR-25 NEA-10

RSC-01 OIC-04 ACDA-19 DPW-01 CIAE-00 DODE-00 PM-07

H-03 INR-10 NSAE-00 NSC-10 PA-04 PRS-01 SPC-03 SS-20

USIA-15 SAM-01 DRC-01 /190 W
----- 085775

R 011842Z MAR 74

FM USMISSION GENEVA

TO SECSTATE WASHDC 4375

INFO USMISSION USUN NEW YORK

USDEL JEC PARIS

AMEMBASSY SAIGON

UNCLAS SECTION 1 OF 2 GENEVA 1376

E.O. 11652: N/A

TAGS: ICRC, PARM, VN

SUBJECT: GENEVA DIPLOMATIC CONFERENCE ON LAW OF WAR.

PRG ISSUE

REFERENCE: GENEVA 1335

FOLLOWING IS TEXT OF STATEMENT MADE BY US REP TO SUBJECT
CONFERENCE ON FEBRUARY 28, DURING DEBATE PRECEEDING VOTE
REPORTED REFTEL.

BEGIN TEXT:

"THE QUESTION BEFORE US IS UNUSUALLY PROVOCATIVE IN
A POLITICAL SENSE AND HAS A HIGH INTENSITY OF EMOTION
BEHIND IT ON BOTH SIDES. NEVERTHELESS, I SHALL TRY TO
BE AS OBJECTIVE AS POSSIBLE AND AS BRIEF AS POSSIBLE. AS
WE ALL KNOW, SOMETHING CALLED THE "PROVISIONAL
REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIET-NAM"
HAS DEPOSITED AN INSTRUMENT OF ACCESSION TO THE GENEVA
CONVENTIONS OF 1949, ALTHOUGH I WOULD NOTE WITH AN UNPRECE-
DENTED AND SWEEPING RESERVATION WHICH DEPRIVES THIS
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INSTRUMENT OF ANY REAL HUMANITARIAN MEANING. IN ANY EVENT,

IT HAS REQUESTED AN INVITATION TO PARTICIPATE IN THE DELIBERATIONS OF THIS CONFERENCE. LET US EXAMINE THE SITUATION:

"FIRST, WHAT IS SOUGHT BY THE PROVISIONAL REVOLUTIONARY GOVERNMENT? IT SEEKS A POSITION IN THIS CONFERENCE EQUIVALENT TO THAT OF A GOVERNMENT OF A STATE, THE REPUBLIC OF VIET-NAM. IN EFFECT, THIS IS A REQUEST FOR DUAL REPRESENTATION FOR A SINGLE STATE. SUCH DUAL REPRESENTATION IS NOT TOTALLY WITHOUT PRECEDENT, BUT IT IS EXTREMELY RARE. I DOUBT IF THERE IS A SINGLE GOVERNMENT REPRESENTED HERE THAT WOULD BE PREPARED TO ACCEPT SUCH DUAL REPRESENTATION FOR ITSELF.

"SECOND, WHAT IS THE NATURE OF THIS PROVISIONAL REVOLUTIONARY GOVERNMENT?

"AS I UNDERSTAND IT, THE PRG MAKES NO CLAIMS TO BE THE GOVERNMENT OF A STATE. IN FACT, THE TERM "REPUBLIC OF SOUTH VIET-NAM" HAS NEVER APPEARED IN ANY FORM SAVE IN CONJUNCTION WITH THE PHRASE "PROVISIONAL REVOLUTIONARY GOVERNMENT".

"NOR IS THE "PROVISIONAL REVOLUTIONARY GOVERNMENT" A TRUE GOVERNMENT. IT HAS NONE OF THE INHERENT ATTRIBUTES OF A GOVERNMENT. IT HAS NO GOVERNMENTAL INSTITUTIONS, APART FROM SOME VISIBLE UNITS OF AUTHORITY ESTABLISHED FOR ADVANCEMENT OF ITS INTERNATIONAL ASPIRATIONS. IT HAS NO CAPITAL. IT HAS NO BODY OF LAWS OR JURISPRUDENCE. IT HAS NEITHER THE PERSONALITIES NOR DOMESTIC PROGRAMS WITH WHICH THOSE IT CLAIMS TO GOVERN COULD FREELY ASSOCIATE.

"MOREOVER, THE "PROVISIONAL REVOLUTIONARY GOVERNMENT" IS NOT A NATIONAL LIBERATION MOVEMENT IN THE WAY THAT TERM IS NORMALLY USED. FIRST, IT DOES NOT CLAIM SUCH STATUS. MOREOVER, ITS ACTIVITIES ARE NOT DIRECTED AGAINST A WESTERN COLONIAL POWER. NONE IS PRESENT IN THAT REGION, ALL THE PROPAGANDA WE HAVE HEARD TO THE CONTRARY NOTWITHSTANDING. IN EVERY WAY THE ACTIVITIES OF THE UNCLASSIFIED

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"PROVISIONAL REVOLUTIONARY GOVERNMENT" ARE AIMED SOLELY AT THE DOMINATION OF THEIR OWN COUNTRYMEN. THEY SEEK TO DESTROY SELF-GOVERNMENT IN SOUTH VIET-NAM, NOT TO ATTAIN IT.

"ON THE POLITICAL LEVEL, THE PRG HAS REPEATEDLY BEEN DISOWNED BY THE SOUTH VIETNAMESE PEOPLE THEMSELVES. FAR MORE PEOPLE HAVE FLED BEFORE ITS MILITARY ATTACKS AND TERRORISM THAN THE NUMBERS OF PERSONS PRESENTLY

UNDER ITS CONTROL. WHILE ANY ESTIMATE OF THE DEGREE OF
ITS CONTROL IN SOUTH VIET-NAM IS AT BEST AN APPROXIMATION,
OUR BEST ESTIMATE IS THAT NOT MORE THAN ONE SOUTH

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VIETNAMESE IN TWENTY IS TODAY UNDER THE CONTROL OF THE PRG.

"FINALLY, MR. CHAIRMAN, ONE MIGHT BE BROUGHT TO ASK
WHETHER, IF THE PRG IS NOT A STATE, NOT A GOVERNMENT, AND
NOT A NATIONAL LIBERATION MOVEMENT, THEN DOES IT EXIST?
THE ANSWER, OF COURSE, IS YES - ITS EXISTENCE IS TESTIFIED
TO MOST NOTABLY BY THE EXTENSIVE HOSTILITIES AND PROPAGANDA
CARRIED OUT IN ITS NAME.

"THE PRG IN OUR JUDGMENT IS A BRUTAL FACT IN A PROLONGED
AND BITTER CONFLICT. ITS ARMED FORCES ARE THE SOLE
EVIDENCE OF ITS PRESENCE WITHIN THE REPUBLIC OF VIET-NAM, BUT
THEY ARE NOT UNDER THE CONTROL OF THE PRG, NOR ARE THE VAST
MAJORITY OF THESE FORCES OF SOUTH VIETNAMESE ORIGIN. QUOTE
THE CONTRARY, THESE FORCES ARE CONTROLLED AND ORIGINATE
ELSEWHERE. IN SUM, THE "PROVISIONAL REVOLUTIONARY GOVERNMENT",
I SUBMIT, HAS NO MEANING WHATSOEVER APART FROM THE INVADING
ARMY WITH WHICH IT COLLABORATES AS A CIVILIAN FOREFRONT OF

AN EXTERNALLY DIRECTED POLITICO-MILITARY CAMPAIGN.

"FOR THE PURPOSE OF ENDING THE WAR IN VIET-NAM - AND
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WITH THAT PURPOSE ALONG - THE REPUBLIC OF VIET-NAM AND THE UNITED STATES OF AMERICA ACCEPTED THE PRESENCE OF REPRESENTATIVES OF THE PRG AT THE NEGOTIATION AND SIGNATURE OF THE PARIS AGREEMENT OF JANUARY, 1973. AS ONE OF THE PRINCIPAL NEGOTIATORS OF THAT AGREEMENT I CAN ASSURE YOU THAT AT NO TIME WAS THERE ANY ROOM FOR DOUBT THAT THE REPUBLIC OF VIET-NAM AND THE UNITED STATES REJECTED COMPLETELY THE GOVERNMENTAL PRETENSIONS OF THE PRG. THE AGREEMENT PROVIDED FOR A CEASE-FIRE IN PLACE AND FOR PROCEDURES TO PRODUCE RECONCILIATION WHICH UNFORTUNATELY HAVE NOT BEEN TERRIBLY SUCCESSFUL. IT DID NOT RECOGNIZE TWO ADMINISTRATIONS IN SOUTH VIET-NAM. WE WENT TO GREAT LENGTHS IN THE ORGANIZATION OF THE CONFERENCE - EVEN IN THE SHAPE OF THE TABLE - AND IN THE FORM AND CONCLUSION OF THE AGREEMENTS TO AVOID PROVIDING ANY BASIS FOR ALLEGATIONS THAT WE HAD RECOGNIZED THE PRG. WE HAD A PREMONITION OF THE TYPES OF ARGUMENTS WE HAVE HEARD HERE. AND THESE ARGUMENTS, I BELIEVE, TELL US MUCH ABOUT THE REAL PURPOSES BEHIND THE ATTEMPTS TO SEAT THE PRG AT THIS CONFERENCE. IT IS THE HOPE FOR POLITICAL ADVANTAGE, NOT THE DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW, THAT INSPIRES THEM.

"I BELIEVE THAT IF THE GOVERNMENTS REPRESENTED HERE CAN ENVISION THEMSELVES IN A POSITION LIKE THAT OF THE GOVERNMENT OF THE REPUBLIC OF VIETNAM - THAT IS TO SAY, WITH AN EXTERNAL ATTACK OPERATING UNDER THE COVER OF A LOCAL ORGANIZATION - THEY WILL AGREE THAT EFFORTS TO SUBVERT THEM BY OBTAINING INTERNATIONAL RECOGNITION OF THIS SHADOW ORGANIZATION AS A SECOND GOVERNMENT WITHIN A SINGLE STATE ARE INADMISSIBLE AND MUST BE RESISTED RESOLUTELY.

"WE RECOGNIZE MR. CHAIRMAN THAT THIS CONFERENCE HAS A SPECIAL CHARACTER, RESULTING FROM ITS TASK TO DEVELOP INTERNATIONAL HUMANITARIAN LAW, AND THAT THERE ARE SOME CONSIDERATIONS FAVORING THE INCLUSION OF NON-GOVERNMENTAL ENTITIES IN THIS CONFERENCE. A NUMBER OF NON-GOVERNMENTAL ORGANIZATIONS ARE PRESENT AND WE HAVE RECOGNIZED THESE IN OUR EFFORTS TO PROMOTE ACCEPTABLE COMPROMISES ON THE QUESTION OF THE PARTICIPATION OF NATIONAL LIBERATION MOVEMENTS. HOWEVER, FOR THE REASONS I HAVE ALREADY DISCUSSED,
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THE PROVISIONAL REVOLUTIONARY GOVERNMENT IS QUITE A
DIFFERENT THING, AND IT DEMANDS A PLACE AS A GOVERNMENT,
NOT AS A MOVEMENT. I URGE THE MEMBERS OF THIS CONFERENCE
TO HAVE THE COURAGE AND THE GOOD SENSE TO SEE IT FOR WHAT
IT IS AND TO OPPOSE ITS ADMISSION TO THIS CONFERENCE.
END TEXT. DALE

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